

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. MARTIN I. FRY, et al., Plaintiffs, v. MIDDLETOWN TOWNSHIP, et al., Defendants.	CIVIL ACTION NO. 02-2780
---	---------------------------------

ORDER

AND NOW, this 17th day of September, 2002, upon consideration of defendants' Motion to Dismiss, and the response thereto, it is hereby **ORDERED** that the motion is **DENIED** with leave to renew by motion for summary judgment after the close of discovery. It is **FURTHER ORDERED** that the claims for punitive damages against Middletown Township and the individual defendants in their official capacity are **DISMISSED**.¹

BY THE COURT:

MARVIN KATZ, S.J.

1. See Newport v. Fact Concerts, Inc., 453 U.S. 247, 271 (1981) (holding that municipalities are immune from punitive damages awarded under 42 U.S.C. §1983); Gregory v. Chehi, 843 F.2d 111, 120 (3d Cir. 1988) ("Punitive damages cannot be recovered from defendants in their official capacities.").